

STATEMENT OF A. DURAND JONES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 2397 AND H.R. 3706, TO ADJUST THE BOUNDARY OF THE JOHN MUIR NATIONAL HISTORIC SITE

July 15, 2004

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 2397 and H.R. 3706, bills to adjust the boundary of the John Muir National Historic Site.

The Department supports enactment of this legislation, which was submitted to Congress as an Administration proposal last year. Passage of the legislation would enable the National Park Service to fulfill one of the General Management Plan objectives for the park by facilitating construction of a visitor parking area. As explained later in the testimony, we recommend that the committee approve H.R. 3706 rather than S. 2397.

John Muir National Historic Site was established in 1964 by Public Law 88-547 in recognition of John Muir's efforts as a conservationist and a crusader for national parks and reservations. The site includes the home where John Muir lived from 1890 until his death in 1914, the historic Martinez adobe, Mt. Wanda, and the Muir gravesite. Included in the 1988 boundary expansion (Public Law 100-563) that added Mt. Wanda to the park was a 3.3-acre parcel owned by the City of Martinez. Following passage of the legislation, the city donated the parcel to the National Park Service to be administered as part of the national historic site.

At the time of the transfer, both city and National Park Service staff believed that the 3.3-acre parcel, located between the south side of Franklin Canyon Road and the Santa Fe Railroad line, encompassed all of the land between the street and the railroad line.

However, in 1994, while surveying the area, the National Park Service discovered that a 0.2-acre (9,500 square foot) tract abutting the south edge of the road had not been part of the parcel donated by the city. Furthermore, it was determined that no one was listed as the owner of the tract with the county tax assessor, that it lacked a tax assessor parcel number, and that no taxes had been collected or paid on the parcel since the 1960's. All efforts to trace the ownership of the property have been unsuccessful.

This 0.2-acre parcel is needed for a new 32-car/2-bus visitor parking area, as called for by the park's 1991 General Management Plan. The park's existing 17-space parking area regularly fills to capacity, causing visitor parking to overflow onto the adjoining neighborhood streets. The City of Martinez has sought the additional off-street visitor parking to respond to residents' concerns. Construction of the parking area is estimated to cost about \$200,000, and funds from the National Park Service's Recreation Fee Demonstration Program (the 20 percent fund for which non-fee-collecting parks are eligible) have been set aside for this purpose. Because of the steep terrain of the area, there are no suitable alternatives within the boundary for a parking lot that excludes this 0.2 acre tract. Work cannot proceed on the parking lot until the park acquires the tract.

Despite the tiny size of this parcel, the National Park Service cannot use minor boundary adjustment authority under 16 U.S.C. 460l-9 to add the property to the boundary. One

of the criteria for use of that authority is that the National Park Service obtain written consent from the owner of the affected property. In this case, as mentioned previously, the owner cannot be located.

Both S. 2397 and H.R. 3706 provide for adoption of a new boundary map that places the 0.2 acre parcel in question within the boundary of the John Muir National Historic Site, and both authorize the Secretary of the Interior to acquire the tract and administer it as part of the park. However, S. 2397 provides for acquisition only from a willing seller. Since the owner cannot be located, we anticipate acquiring title through condemnation, which S. 2397 would not allow. H.R. 3706 does not include a “willing seller” provision and therefore would allow acquisition through condemnation. For that reason, we urge the committee to approve H.R. 3706, which was passed by the House on June 21, rather than S. 2397.

Mr. Chairman, that concludes my statement. I would be happy to answer any questions you or other members of the subcommittee may have.